

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 17th day of November, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Lisa Wallingford, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: Robert Gracia, City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
John Maresh, Assistant City Manager of Public Services
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Charles Kalkomey, City Engineer
Tonya Palmer, Building Official
Dallis Warren, Police Chief
Justin Rodgers, Police Officer
Wade Goates, Fire Chief
Darrell Himly, Assistant Fire Chief
Justin Jurek, Fire Marshal
Randall Malik, Economic Development Director
James Lewis, Information Services Manager
Jenny Pavlovich, Communications Manager
Yashika Rogers, Human Resources Director
Kaye Supak, Executive Assistant

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:00 p.m

Invocation and Pledge of Allegiance.

Pastor Brian Sosa, The CHURCH, Rosenberg, gave the invocation and led the pledge of allegiance to the flag.

Presentation of Certificate of Recognition to the American Red Cross for Participation in the Red Cross-Ready 365: Home Fire Campaign.

Wade Goates, Fire Chief presented a Certificate of Recognition to the American Red Cross for Participation in the Red Cross-Ready 365: Home Fire Campaign.

Presentation of Certificate of Recognition to City of Rosenberg Firefighters for Participation in the Red Cross-Ready 365: Home Fire Campaign.

Wade Goates, Fire Chief presented a Certificate of Recognition to City of Rosenberg Firefighters for Participation in the Red Cross-Ready 365: Home Fire Campaign. Rosenberg Firefighters participating in the smoke alarm installation were:

- Captain Jeff Schumann
- Engineer Patrick Neal
- Engineer Darwin Dobesh
- Senior Firefighter George Velasquez, Jr.
- Firefighter Manuel Padia
- Firefighter Tony Rodriguez
- Firefighter Jesse Navarro

Announcements.

- Friends of Rosenberg will be having a Ribbon Cutting Ceremony at their Community Garden on Friday, November 20, 2015, at 12:00 p.m.
- Kidfest will be held at the Rose-Rich Shopping Center Saturday, November 21, 2015, from 10:00 a.m. to 4:00 p.m. All proceeds will benefit the Rosenberg Police Officers Association.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

- **John Burlingame** - 1015 Bernard Avenue, Rosenberg - He is in favor of the speed bumps on Bernard Avenue, particularly asphalt speed bumps. Mr. Burlingame also wanted to comment on Christmas decorations being put out so early in year; he is not in favor of them being sold before Thanksgiving.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. Review of Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **Consideration of and action on minutes of the Special Meeting on October 24, 2015, Workshop Meeting on October 27, 2015, and Regular Meeting on November 03, 2015.**
- B. **Consideration of and action on the proposed placement of two (2) pole-mounted radar speed signs along Sally Anne Drive.**

EXECUTIVE SUMMARY

This Agenda item has been included to allow for City Council to consider the proposed placement of two (2) pole-mounted radar speed signs on Sally Anne Drive.

- C. **Consideration of and action on Ordinance No. 2015-37, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 144 (Summer Lakes/Waterford Park PUD) for the issuance of a Bond Anticipation Note, Series 2015, in an amount not to exceed \$1,420,000.00.**

EXECUTIVE SUMMARY

Attached for your consideration is Ordinance No. 2015-37 granting the City's consent to Fort Bend Municipal Utility District No. 144 for the sale of a Bond Anticipation Note (BAN), Series 2015, in an amount not to exceed \$1,420,000.00.

On May 06, 2003, Starwood Development, LLC, submitted a petition to the City to create a Municipal Utility District that included approximately 358.48 acres located primarily within the Corporate Limits of the City, with approximately 35.46 acres lying outside the City and outside the Extraterritorial Jurisdiction of the City of Rosenberg, to be known as Fort Bend County Municipal Utility District No. 144. Accordingly, the Petition for Consent and associated Ordinance No. 2003-21 were approved by City Council at that time. Subsequently, City Council approved Ordinance No. 2005-32 on December 13, 2005, expanding the District's territory by 173.34 acres, approved Ordinance No. 2006-18 on July 18, 2006, expanding the District's territory by an additional 1.5369 acres, and approved Ordinance No. 2010-14 on June 1, 2010, again expanding the District's territory by an additional 6.00 acres. The District is located south of Reading Road and east of FM Highway 2977.

Following is a list of previous Unlimited Tax Bond Sales, Bond Anticipation Notes (BAN), and bond refunding that have been approved by City Council:

- Ordinance No. 2006-39 - City Council approved the District's first bond sale in the amount of \$2,815,000.00 on December 05, 2006.
- Ordinance No. 2007-48 - City Council approved the District's BAN in the amount of \$1,650,000.00 on October 16, 2007. The BAN was subsequently repaid out of the bond sale authorized under Ordinance No. 2008-21.

- Ordinance No. 2008-21 - City Council approved the District's second bond sale in the amount of \$3,030,000.00 on October 07, 2008.
- Ordinance No. 2012-38 - City Council approved the District's BAN in the amount of \$1,301,500.00 on November 06, 2012. The BAN approved by City Council under Ordinance No. 2012-38 was subsequently repaid out of the Series 2013 bond sale under Ordinance No. 2013-24.
- Ordinance No. 2013-24 - City Council approved the District's third bond sale in the amount of \$2,695,000.00 on May 07, 2013.
- Ordinance No. 2014-27 - City Council approved the District's BAN in the amount of \$2,000,000.00. The BAN was subsequently paid out of fourth bond sale under Ordinance No. 2015-06
- Ordinance No. 2015-06 - City Council approved the District's fourth bond sale in the amount of \$3,400,000.00 on February 17, 2015.
- Bond Refund - City Council approved the District's request for the issuance of Refunding Tax Bonds, Series 2015, in an amount not to exceed \$6,600,000.00 on May 19, 2015.

The District has submitted a fifth Bond Application Report to the Texas Commission on Environmental Quality requesting permission to issue and sell \$5,000,000.00 in Unlimited Tax Bonds, Series 2016. Prior to the sale and issuance of these Bonds, the District has requested the City's consent to the issuance of a Bond Anticipation Note, Series 2015, in an amount not to exceed \$1,420,000.00. The BAN will be repaid out of the proceeds of the anticipated Bond sale. Please see the attached correspondence outlining the District's proposed use of the Bond proceeds.

Documentation such as the fifth Bond Application Report to the Texas Commission on Environmental Quality, Ordinances, Resolutions, minute excerpts, and other associated MUD No. 144 documentation is available for review in the City Secretary's Office.

Staff has reviewed the documents provided by MUD No. 144 and found them to be in compliance with applicable City Ordinances. Staff recommends approval of Ordinance No. 2015-37, granting consent for the sale of the Bond Anticipation Note, Series 2015.

D. Consideration of and action to authorize the proposed installation of speed humps on Bernard Avenue.

EXECUTIVE SUMMARY

This item has been placed on the Agenda to allow City Council the opportunity to consider approval of a request for the installation of speed humps on Bernard Avenue. This item was initially discussed during the November 03, 2015 Regular City Council Meeting. Staff recalculated the Evidence of Support Application (application) by using the twenty (20) out of thirty (30) homes that stated support for the speed hump installation while discounting the two (2) homes with "For Sale" signs posted, one (1) vacant home with no active utilities, one (1) homeowner that declined to speak with the requestor circulating the application. The five (5) vacant lots were also not included in the calculation. This methodology of 20 out of 26 homes equates to 77% in support of the speed humps.

Staff has obtained price quotations for the removable rubber type speed humps similar to the type installed on Sally Anne Drive and also for the installation of speed humps using hot-mix asphalt. The purchase price for three (3) sets of the rubber speed cushions is \$8,524.00 and the cost for three (3) asphalt speed humps is \$4,800. If approved, the asphalt speed humps will be installed to serve as a pilot test. Staff is also collecting traffic counts on Bernard Avenue, Elizabeth Street and Grunwald Heights prior to the speed hump installation to establish base lines that could be used in later comparisons.

Upon approval of the request, staff will proceed with the installation of three (3) asphalt speed humps on Bernard Avenue.

E. Consideration of and action on a Final Plat of the CVS Store #10637, a subdivision of 2.091 acres of land being a portion of a called 173.34 acre tract recorded in the name of CL Waterford, LLC C.F. No. 2010054252, F.B.C.O.P.R. located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas; 1 block, 0 lots, 1 reserve.

EXECUTIVE SUMMARY

The Final Plat of CVS Store #10637 consists of 2.091 acres of land located at the southeast intersection of Reading and Spacek Roads. This location is generally across Reading Road from Kroger.

As seen in the plat description, and as discussed when the Preliminary Plat came before the Planning Commission on August 19, 2015, this is just over two (2) acres being platted for the purpose of developing a CVS store. The site will have its access from two (2) proposed thirty-foot (30') access easements which are in alignment with the existing median openings in Reading and Spacek Roads and in compliance with the City driveway separation standards. Notably, due to existing level of service at the intersection, development of the site will require the installation of a traffic signal at the intersection of Reading and Spacek. The applicant is aware of this and has formally submitted plans to the City for the installation of the signal. The plans have been approved at this time, which allowed the Final Plat to proceed to City Council. The issuance of a Certificate of Occupancy for the development is contingent on the traffic signal being in place.

While the main purpose of the plat is simply to plat out raw acreage for this development (existing utilities are in place to serve the tract), the property is located Fort Bend County MUD No. 144 and will therefore be subject to its

development standards, which are generally more stringent than City standards (e.g., landscaping and masonry requirements).

The Preliminary Plat of CVS Store #10637 was approved by the Planning Commission on August 19, 2015. The proposed Final Plat is not in conflict with any applicable regulations, with the approved Land Plan, Development Agreement, or with the approved Preliminary Plat. The Planning Commission recommended approval to City Council of the Final Plat on September 16, 2015. Staff recommends approval of the Final Plat of the CVS Store #10637.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Consent Agenda items A, B, C, D, and E.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Review and discuss controlled hog hunt in the vicinity of Mons Avenue and Louise Street, and take action as necessary.**

EXECUTIVE SUMMARY

This item has been added to the Agenda in order for City Council to discuss a proposed controlled hunt for feral hogs in the vicinity of Mons Avenue and Louise Street.

SPEAKERS

- **Danny Crume** - 2736 Cypress Lane, Rosenberg - He stated that the hog problem has been growing over the past three years, resulting in the need to replace five yards of dirt and seven pallets of grass to re-sod his front yard. He has called the City and B&J Hog Removal to have traps placed in his yard. He asks that the City do more about the hogs.
- **Don Foyt** - 2726 Cypress Lane, Rosenberg - Animal Control came and put a hog trap out three years ago, but it did not catch any hogs. The hogs tore his yard up just last night. The issue is costly, and he asks for assistance with the hog problem.

KEY DISCUSSION POINTS

William Benton, Councilor, At Large Position One, gave a general overview of the item, stating that wild hogs are in the area of Louise and Mons, and the citizens in the area are asking for assistance. Robert Gracia, City Manager, stated that the City has contacted the Texas Wildlife Service, who conducted an assessment and encouraged the City to continue working with private trappers to minimize the problem in the area. Brad Rubash and Jared Graeber of B&J Wild Hog Removal gave an update of their current status, which includes placing traps and cameras in the neighborhood to monitor the hogs' schedule and location. They have gotten permission to use dogs in order to assist with trapping hogs, and are seeking permission from a landowner to hunt in the wooded area near the neighborhood. B&J has also been trapping hogs for the City in Seabourne Creek Park for 2 years, successfully removing 50 hogs last year. Scott Tschirhart, City Attorney, advised that a controlled hunt would be very difficult to do within the highly populated residential areas of the City, with permits and exceptions needed in order to do due diligence for firearm operation within City limits. After discussion, the general consensus of Council was to continue using the trappers to try to minimize the hog population over time, and monitor their progress in order to determine whether they will need to pursue a controlled hunt in the future.

3. **Consideration of and action on Resolution No. R-2068, a Resolution authorizing acceptance of a Medicare Advantage Retiree Extended Services Area (ESA) PPO Plan for the 2016 Plan Year Renewal with Aetna Health, Inc., as prepared by Gallagher Benefits Services.**

EXECUTIVE SUMMARY

The Employee Benefits Committee and the Employee Benefits Trust met on October 27, 2015. Burke Sunday of Gallagher Benefit Services presented and discussed the Medicare Advantage Over 65 Retiree Plan. The Aetna Medicare Advantage Extended Service Area (ESA) PPO Plan is currently offered to the over 65 retirees for the period January 1, 2015, through December 31, 2015.

There are fourteen (14) retirees on the plan and one (1) dependent as of October 2015. The City currently pays 90% of the premium or \$258.01 per month and retirees pay 10% of the premium or \$28.67 per month, for a total monthly premium of \$286.68.

Aetna submitted a renewal rate increase of 4.24% for 2016 plan year. The total increase is \$12.16 per month for a total premium amount of \$298.84 per month. At the Regular Meeting on July 21, 2015, the City Council approved changing the employee coverage percentage from 90% paid by the City to 95% paid by the City; this change also affects the percentage paid for retirees. With the retirees' only responsible for 5% of their coverage, their portion of the premium will decrease to \$14.94 per month. The City's portion of the retirees' coverage will increase from

\$258.01 per month to \$283.90 per month per retiree. The retiree pays 100% of the dependent coverage for over 65 which is \$298.84 per month.

The Employee Benefits Committee and the Employee Benefits Trust, along with City staff recommend approval of the proposed ESA PPO Plan renewal, attached to Resolution No. R-2068 as Exhibit "A", to provide over 65 retirees with coverage at a cost of \$53,791.20, with \$6,275.64 reimbursed to the City for retiree premium and dependent coverage.

KEY DISCUSSION POINTS

Joyce Vasut, Executive Director of Administrative Services, read the Executive Summary.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2068, a Resolution authorizing acceptance of a Medicare Advantage Retiree Extended Services Area (ESA) PPO Plan for the 2016 Plan Year Renewal with Aetna Health, Inc., as prepared by Gallagher Benefits Services.

Vote: 7 - 0 Carried - Unanimously

4. Consideration of and action on Resolution No. R-2070, a Resolution approving and accepting the Rosenberg 2035 Comprehensive Plan.

EXECUTIVE SUMMARY

As City Council is aware, over approximately the last year, Rosenberg has been in the process of updating its Comprehensive Plan for the first time since 1995. Chapter 213 of the Texas Local Government Code provides for the authority for municipalities to adopt comprehensive plans for the long-range development of the community. Further, one of the duties of the Planning Commission as stated in the City Charter is to make and amend the master plan for the physical development of the City.

Rosenberg is currently experiencing unprecedented growth and has grown from 23,000 to 37,000 residents (over 60%) since its last comprehensive plan. The City's growth rate has accelerated recently due to factors such as the build-out of Sugar Land to the immediate northeast. Further, it is anticipated that our population could double in the next thirty (30) years. Comprehensive planning relates to the City having a role in what the other half of development in Rosenberg will be like and how it will function, in addition to maintaining the existing character of the community. With factors like the West Fort Bend Management District standards no longer being in place, the City has an increased responsibility to plan and determine what standards are needed for future development.

This project had been prioritized and budgeted for several years, and a professional services agreement with Kendig Keast Collaborative was approved by City Council in August 2014 to complete the Plan. Since that time, a great deal of public input has gone into it including, but not limited to, the following:

- "Listening sessions" (or focus groups) with 27 participants;
- Community workshop with 42 participants;
- Online discussion forum with 427 users and over 5,000 views;
- Three (3) Planning Commission briefings;
- One (1) midpoint City Council briefing; and
- Draft Plan chapters posted on City website for review (www.ci.rosenberg.tx.us/compplan).

Additionally, the Local Government Code requires that a public hearing be held on the Plan. This was done at the October 21, 2015 Planning Commission Meeting. Notice of the hearing was advertised in the Fort Bend Herald.

The proposed Plan offers a range of strategies for managing our rapid growth; the extent to which it is implemented is fully up to the City. City staff had a significant role in the creation of the Plan, so the consultant was given specific information on what policies may be appropriate for Rosenberg. The result is a Plan that contains what staff believes are many practical solutions that could be implemented here. It does not recommend zoning, for example. It should also be noted that, until approved, the Plan remains in "draft" form.

The Comprehensive Plan was previously distributed to City Council. Due to the document's size, it has not been included as a supporting document for this item. A full copy is available for public review in the City Secretary's office for viewing at any time as well as on the City website. Should City Council approve and accept the Comprehensive Plan, the draft version shall be replaced with a final version which shall serve as Exhibit "A" to Resolution No. R-2070.

On October 21, 2015, following the aforementioned public hearing, the Planning Commission unanimously recommended approval to City Council of this Plan, *Rosenberg 2035 Comprehensive Plan*. Staff recommends approval of Resolution No. R-2070.

KEY DISCUSSION POINTS

Travis Tanner, Executive Director of Community Development, gave an overview of the item and introduced Bret Keast with Kendig Keast Collaborative, who presented the draft Comprehensive Plan. Council thanked everyone involved, from the staff members to the residents who participated in the listening sessions.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2070, a Resolution approving and accepting the Rosenberg 2035 Comprehensive Plan.

Vote: 7 - 0 Carried - Unanimously

5. **Consideration of and action on Resolution No. R-2069, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, a Proposal for Engineering and Surveying Services for Bryan Road Lift Station No. 19 Replacement, by and between the City and Jones and Carter, Inc., in the amount of \$282,000.00.**

EXECUTIVE SUMMARY

As a part of the Bryan Road Expansion Project (Project), Lift Station No. 19 must be reconstructed and expanded in order to meet the Texas Commission on Environmental Quality (TCEQ) design standards. Lift Station No. 19 was originally constructed in 1994 and is currently operating at 180% of the design capacity. This is a major lift station that receives flows from the Vista Road Lift Station No. 20, the Summer Lakes Lift Station No. 24 and the Brazos Town Center Lift Station No. 27 along with additional gravity flows from the Bryan and Spacek Road areas. This continues to be a high growth area and TCEQ design standards require the lift station be properly sized to accommodate the current flows, and the anticipated flows based on the proposed development within the service area. Supervisory Control and Data Acquisition (SCADA) equipment will also be installed at this lift station as a part of this Project. The SCADA equipment will allow for remote system monitoring and control, further improving reliability. This Project is included in the FY2016 Capital Improvement Plan approved by City Council as Resolution No. R-1997 on July 07, 2015.

Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. The preliminary construction cost estimate for this Project is approximately \$2.5 million dollars. Fund 516 has adequate resources to fund the engineering phase of the project. The twenty (20) inch diameter force main that is required to transport the wastewater from the lift station to the southeast sanitary sewer trunk line located at FM 2218 will be constructed as a part of the Bryan Road expansion project. The lift station construction will more than likely be funded with proceeds from proposed Certificates of Obligation, which will be presented at a future City Council Meeting in 2016.

Staff recommends approval of Resolution No. R-2069, authorizing the City Manager to negotiate and execute a Proposal with Jones and Carter, Inc., for the engineering and surveying services for the Bryan Road Lift Station No. 19 Replacement, including SCADA equipment, in the amount of \$282,000.00.

KEY DISCUSSION POINTS

John Maresh, Assistant City Manager of Public Services, read the Executive Summary and explained that this lift station replacement is in conjunction with the Bryan Road construction currently underway, and it would have a significant impact on that project, as well as being in conflict with TCEQ requirements, if the lift station replacement is not approved.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2069, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, a Proposal for Engineering and Surveying Services for Bryan Road Lift Station No. 19 Replacement, by and between the City and Jones and Carter, Inc., in the amount of \$282,000.00.

Vote: 7 - 0 Carried - Unanimously

6. **Consideration of and action on Resolution No. R-2071, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, a Contract for Engineering Services for water distribution improvements on 6th Street, Avenue D, Bryan Road, Walger Street and sanitary sewer line replacement across the railroad right of way at 8th Street, by and between the City and Kelly R. Kaluza & Associates, Inc., in the amount of \$55,470.**

EXECUTIVE SUMMARY

This item has been placed onto the Agenda to offer City Council the opportunity to consider a Contract for Engineering Services for the continuation of both water and sanitary sewer line replacements necessary to improve the respective systems. The water line project consists of the replacement of an existing six (6) inch water line along a portion of 6th Street and Avenue D with a twelve (12) inch water line to fill in the gap left by the recent Community Development Block Grant (CDBG) water line project. CDBG funds cannot be used within areas designated to be within the 100-year floodplain and therefore, the City must replace this portion of the water line separately from the CDBG project. A segment of an existing eight (8) inch water line located along Bryan Road at FM 2218 for a distance of approximately 900 feet will also be replaced with a twelve (12) inch water line. This particular replacement is necessary to increase the water line capacity needed to meet the overall Groundwater Reduction Plan (GRP) required by the Fort Bend Subsidence District. A six (6) inch water line also needs to be

constructed along the portion of Walger Street between SH 36 and Frost Street. This will loop several existing "dead end" water lines that run along the north/south streets and dead end at Walger. This will improve distribution system circulation and reduce water quality issues currently being experienced in parts of these neighborhoods

The sanitary sewer line portion of the project is for the complete replacement of an existing fifteen (15) inch gravity sanitary sewer line that crosses both the BNSF Railway and Union Pacific Railroad right-of-way near 8th Street. The existing line was scheduled for inclusion in the 2014 Sanitary Sewer Pipebursting Project. However, the condition of the line was determined to be in such poor condition that it could not be rehabilitated. A small diameter pipe was inserted through the remnants of the existing line to serve as a temporary patch until the replacement crossing can be designed and constructed. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future Agenda for City Council consideration and approval. Each segment of this project is relatively small in size, yet consists of similar type water and sewer construction activities, which makes it more cost effective to bundle together into a single project.

Staff recommends approval of Resolution No. R-2071, authorizing the City Manager to negotiate and execute a Contract for Engineering Services with Kelly R. Kaluza and Associates, Inc., as presented in the amount of \$55,470.

KEY DISCUSSION POINTS

John Maresh, Assistant City Manager of Public Services, read the Executive Summary.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to approve Resolution No. R-2071, a Resolution authorizing the City Manager to negotiate and execute, for and on behalf of the City, a Contract for Engineering Services for water distribution improvements on 6th Street, Avenue D, Bryan Road, Walger Street and sanitary sewer line replacement across the railroad right of way at 8th Street, by and between the City and Kelly R. Kaluza & Associates, Inc., in the amount of \$55,470.

Vote: 7 - 0 Carried - Unanimously

7. **Consideration of and action on Ordinance No. 2015-36, an Ordinance amending the Code of Ordinances by deleting Article XIX of Chapter 6 thereof and substituting therefor a new Article XIX of Chapter 6 thereof entitled "Rental Registration and Inspection"; providing for rules and regulations for the permitting and inspection of rental residential properties within the City; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; containing other provisions related to the subject; providing for severability; and providing for an effective date.**

EXECUTIVE SUMMARY

On August 25, 2015, changes to the "Rental Registration and Inspection" Ordinance were presented to City Council. The changes presented include provisions for a one-time registration and the other minor administrative adjustments and were approved by City Council. The effective dates have been updated to reflect the adoption of the Ordinance if approved by City Council.

Staff recommends approval of Ordinance No. 2015-36 as presented.

KEY DISCUSSION POINTS

Justin Jurek, Fire Marshal, read the Executive Summary. After discussion, the general consensus of Council was to add the following item nine (9) to Section 6-464 (a) of Article XIX:

"(9) All other regulations related to rental property contained in the property code."

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor at Large, Position 1 William Benton to include the revision as discussed, and approve Ordinance No. 2015-36, an Ordinance amending the Code of Ordinances by deleting Article XIX of Chapter 6 thereof and substituting therefor a new Article XIX of Chapter 6 thereof entitled "Rental Registration and Inspection"; providing for rules and regulations for the permitting and inspection of rental residential properties within the City; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; containing other provisions related to the subject; providing for severability; and providing for an effective date.

Vote: 7 - 0 Carried - Unanimously

8. **Hold Executive Session for consultation with City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation, namely regarding 1033 Frances Drive, dispute with Imperial Performing Arts, Inc., and Texas Department of Transportation v. Rosenberg condemnation proceedings pursuant to Section 551.071 of the Texas Government Code; to deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code; to deliberate the appointment, employment and evaluation of the City Manager, and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Chief of Police, Patrol Lieutenant (Animal Control), Code Compliance Supervisor (Animal Control) and Code Compliance**


Officer (Animal Control) pursuant to Section 551.074 of the Texas Government Code.

ACTION

Motion by Councilor, District 3 Lisa Wallingford, seconded by Councilor at Large, Position 1 William Benton to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

9. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**
Mayor McConathy adjourned the Executive Session and reconvened into Regular Session.
10. **Adjournment.**
There being no further business, Mayor McConathy adjourned the meeting at 10:12 p.m.



Linda Cernosek, TRMC, City Secretary